

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

David Edward Davis,
Petitioner,

v.

Ryan Thornell, Attorney General of the State
of Arizona,

Respondents.

No. CV-23-00925-PHX-GMS (CDB)

ORDER

Pending before the Court is the Report and Recommendation (“R&R”) of Magistrate Judge Camille D. Bibles (Doc. 13) regarding Petitioner’s Petition for Writ of Habeas Corpus filed pursuant to 28 U.S.C. § 2254 (Doc. 1) and Petitioner’s April 8, 2024 filing entitled, “Report and Recommendation (Response/Continuance)” that the Court construes as a Motion for Extension of Time to File Objections to the Report and Recommendation (Doc. 15).

In the absence of good cause or any explanation as to why the complained of conduct prevented Petitioner from timely filing his objections, and because the request for extension was filed after the time for objections, Petitioner’s Motion for an Extension (Doc. 15) will be denied.

The R&R recommends that the Petition be denied. The Magistrate Judge advised the parties that they had fourteen days to file objections to the R&R. (R&R at 12 (citing Fed. R. Civ. P. 72(b); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (*en banc*)). No objections were filed.

1 Because the parties did not file timely objections, the court need not review any of
 2 the Magistrate Judge's determinations on dispositive matters. See 28 U.S.C. § 636(b)(1);
 3 Fed. R. Civ. P. 72(b); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003);
 4 *Thomas v. Arn*, 474 U.S. 140, 149 (1985) (“[Section 636(b)(1)] does not . . . require any
 5 review at all . . . of any issue that is not the subject of an objection.”). The absence of a
 6 timely objection also means that error may not be assigned on appeal to any defect in the
 7 rulings of the Magistrate Judge on any non-dispositive matters. Fed. R. Civ. P. 72(a) (“A
 8 party may serve and file objections to the order within 14 days after being served with a
 9 copy [of the magistrate's order]. A party may not assign as error a defect in the order not
 10 timely objected to.”); *Simpson v. Lear Astronics Corp.*, 77 F.3d 1170, 1174 (9th Cir. 1996);
 11 *Phillips v. GMC*, 289 F.3d 1117, 1120-21 (9th Cir. 2002).

12 The court will accept the R&R and dismiss the Petition. See 28 U.S.C. § 636(b)(1)
 13 (stating that the district court “may accept, reject, or modify, in whole or in part, the
 14 findings or recommendations made by the magistrate”).

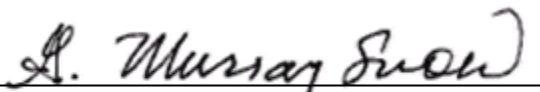
15 **IT IS ORDERED** denying Petitioner's Motion for Extension of Time (Doc. 15)

16 **IT IS FURTHER ORDERED** that the Report and Recommendation of the
 17 Magistrate Judge (Doc.13) is accepted.

18 **IT IS FURTHER ORDERED** that the Clerk of the Court enter judgment denying
 19 and dismissing Petitioner's Petition for Writ of Habeas Corpus filed pursuant to 28 U.S.C.
 20 § 2254 (Doc. 1) with prejudice. The Clerk shall terminate this action.

21 The Certificate of Appealability is denied because Petitioner has not made a
 22 substantial showing of the denial of a constitutional right.

23 Dated this 11th day of April, 2024.

24 
 25 G. Murray Snow
 26 Chief United States District Judge
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